

REMARKS

Applicants have received and reviewed the Office Action dated October 14, 2010. By way of response, Applicants have cancelled claims 11 and 19-21 without prejudice. Applicants have amended claims 1, 9 and 17. No new matter has been added. Claims 1-3, 5-10, 17-18 and 22-23 are pending. Applicants submit that the amended claims are supported by the specification as filed.

For the reasons presented below, Applicants respectfully submit that the amended claims are in condition for allowance, and notification to that effect is earnestly solicited.

Allowable Subject Matter

Applicants respectfully submit that this Amendment After Final should be entered because it adds the recitation of an allowable dependent claim to two independent claims, thus rendering all of the claims allowable.

The Office Action indicated that claim 21 was allowable. The recitation of claim 21 has been added to independent claim 1, from which claim 21 depended. The recitation of claim 21 has also been added to independent claim 17, which includes all of the limitations of claim 1 but also specifies the nature of the “high-pressure ethylene silane copolymer” (claim 1) as “an ethylene-vinyltrimethoxysilane copolymer resin” (claim 17).

The Office Action indicates that the other two independent claims, claims 22 and 23, are allowed.

Applicants thank the Examiner for courtesies extended in identifying claims 11 and 19-21 as allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Applicants respectfully request a Notice of Allowance.

Rejection of Claims Under 35 U.S.C. §§ 102(b) and 103(a)

The Examiner rejected claims 1-3, 5-10 and 17-18 (claim 4 was previously cancelled in an Examiner’s Amendment dated February 5, 2010) under 35 U.S.C. 102(b) as anticipated by or,

in the alternative, under 35 U.S.C. § 103(a) over Lorigan et al., EP 0365289. Applicants respectfully traverse this rejection.

Independent claims 1 and 17 include the recitation of claim 21, which was not subject to this rejection. Thus, this rejection does not apply to the amended claims.

This amendment was made solely to expedite prosecution of the present claims and not to acquiesce to the rejection. In addition, Applicant respectfully submits that the claims are allowable for reasons in addition to those stated by the Examiner in the Office Action. The Applicant agrees with the Examiner's Statement of Reasons for Allowance to the extent that the claims of the present invention are patentable over the references in the record. The Applicant expressly traverses the Examiner's Statement of Reasons for Allowance to the extent that any comment is intended to or has the effect of limiting a claim scope, explicitly or implicitly, by not reciting verbatim the respective claim language, or is intended to or has the effect of limiting the scope of a claim by stating or implying that all the reasons for patentability are in any way fully enumerated.

The Applicant further points out that the reasons for allowance set forth by the Examiner are not the only reasons that the claims are allowable. Further reasons for allowance of the claims beyond those enumerated by the Examiner are described and set forth in the Applicant's specification. In addition, structures that perform substantially the same function in substantially the same way to achieve substantially the same results in a pipe are included within the scope of the claims.

Finally, as the Examiner's reasons for allowance are not exhaustive, such reasons for allowance do not establish an estoppel against Applicant seeking and obtaining allowance of additional, broader claims in a continuation application, which Applicant reserves the right to file.

Accordingly, based on the foregoing differences, Applicants submit that the cited reference neither teaches nor suggests the presently claimed pipe, and withdrawal of this rejection is earnestly solicited.

U.S. Patent Application Serial No. 10/570,057

Reply to Office Action of 10/14/2010

Summary

In view of the above amendments and remarks, Applicant respectfully requests a Notice of Allowance. If the Examiner believes a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Please charge any additional fees or credit any overpayment to Deposit Account No. 13-2725.

Respectfully submitted,

MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, Minnesota 55402-0903
(612) 332-5300

Date: 7 March '11

MTS:kf

Mark T. Skoog
Reg. No. 40,178

